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REMARKS

Claim 1 has been amended and claim 6 has been canceled without prejudice or disclaimer. As amended, independent claim 1 recites a structural and functional arrangement that is clearly distinguishable over the devices disclosed in the references relied upon.

Claims 1 through 6 were rejected as anticipated by the Langenfeld et al. '189 reference. The examiner concluded that the invention as claimed in claim 1 is disclosed in the Langenfeld et al. reference. In that regard, claim 1 has been amended to clarify the structure and function of the claimed apparatus. No new elements or functions have been recited, because the amendatory matter is merely clarification that serves to highlight the structural and functional differences between the present invention and the Langenfeld et al. arrangement. As amended, claim 1 reiterates the extendable nature of the center rod 7 by incorporating the subject matter of claim 6, which recites that the center rod includes along its length a hydraulic piston-cylinder device, movement of the piston of which functions to change the length of the center rod, which results in a tilting movement of the working implement.

The Langenfeld et al. reference discloses an entirely different structural arrangement of a loader bucket and attachment and actuation system. Langenfeld et al. illustrates and describes a complicated and unwieldy loader bucket attachment structure that includes a large number of interconnected arms, links, and other components, including a pair of hydraulic cylinders for moving the heavy structure represented by the numerous parts. However, the

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Langenfeld et al. reference does not show a hydraulically extendable center rod. Instead, it discloses an arm 18 that appears to be extendable by turning an unnumbered threaded eye bolt at the outer end of arm 18. But the eye bolt does not rotate during operation of the device to lengthen arm 18 – the eyebolt is pivotable relative to bracket 46, but it is non-rotatably connected thereto by pin or bolt 50. Therefore, upper limit arm 18 of the Langenfeld et al. structure is not extendable after it is assembled and connected between the tractor and bracket 46.

Additionally, in the Langenfeld et al. structure the tilting of the loader bucket assembly 22 is effected by a pair of hydraulic cylinders 52, 54 that are not included along the length of upper link arm 18 and that do not change the length of upper link arm 18, as claimed in amended claim 1. Instead, the cylinders are pivotally connected at one end to bracket 46 and at the other end to brackets 68, 70 carried on shaft 72 that extends between side frame members 40 and 42 of bucket support frame means 24. The Langenfeld et al. reference does not anticipate the invention as it is claimed in claim 1 because as stated in MPEP § 2131, "To anticipate a claim, the reference must teach every element of the claim." Clearly, the Langenfeld et al. reference does not teach every element of amended claim 1.

Regarding claim 2, the Langenfeld et al. reference shows straight loader arms 14 and 16, not upwardly inclined arms as claimed in claim 2. And regarding claim 4, the Langenfeld et al. reference does not disclose loader arms 14 and 16 as adjustable components.

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The dependent claims 2 through 5 each depend from claim 1, either directly or indirectly. Therefore those claims are also distinguishable over the Langenfeld et al. reference, and for the same reasons as are given above in connection with claim 1. Furthermore, the dependent claims include additional recitations that further distinguish the invention as so claimed from the teachings of that reference.

Claim 7 was rejected as obvious based upon the Langenfeld et al. reference in combination with the Shelby '357 reference, the latter of which was cited merely for its disclosure of spaced attachment points. The examiner acknowledged that the Langenfeld et al. reference does not disclose spaced attachment points at the outer end of the center rod. But the spaced attachment points 56, 58 disclosed in the Shelby reference are on arm 22, not on cylinder 12 or on piston rod 20, the latter of which appears to be analogous to center rod 7 of the present invention. Thus, Shelby does not disclose or suggest the attachment points as claimed in claim 7, nor does the Langenfeld et al. reference, and therefore that combination of references does not either disclose or even remotely suggest the invention as it is claimed in claim 7.

Claim 8 was rejected as obvious based upon the Langenfeld et al. reference in combination with the Hare '796 reference, the latter of which was cited merely for its disclosure of the use of cotter pins or the loader arms abutting the lifting arms, which the examiner acknowledged the Langenfeld et al. reference did not disclose.

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The Hare reference was cited for showing loader arms secured to lifting arms by means of cotter pins. However, even in the Hare reference the tilting function is provided not by hydraulically operated elements, but instead by the manually operated actuating means in the form of rope 112 (see Hare, col. 4, lines 21 through 24). The Hare reference is both structurally and functionally different from the invention as it is claimed in amended claim 1, from which claim 8 depends.

Even if the Langenfeld et al. and Hare references were to be combined, it is not at all apparent which elements of which reference are to be combined with which elements of the other reference, and which elements of which reference are to be omitted from any combination of the teachings of the two references. And because the references are structurally different and do not contain any teaching or suggestion as to precisely how they could be combined to arrive at the invention as claimed, apparently the only motivation for combining the references in the manner the examiner has done is the disclosure of the present application. But it is an improper basis for rejection to use as a road map or as a template an inventor's disclosure to aid in picking and choosing particular parts of particular references that allegedly can be combined to render obvious that which only the inventor has taught.

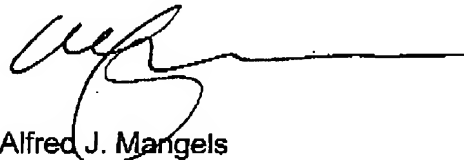
Based upon the foregoing amendments and remarks, the claims as they now stand in the application are believed clearly to be in allowable form in that they patentably distinguish over the disclosures contained in the references that were cited and relied upon by the examiner, whether those references be considered in

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the context of 35 U.S.C. § 102 or of 35 U.S.C. § 103. Consequently, this application is believed to be in condition for allowance, and reconsideration and reexamination of the application is respectfully requested with a view toward the issuance of an early Notice of Allowance.

The examiner is cordially invited to telephone the undersigned attorney if this amendment raises any questions, so that any such question can be quickly resolved in order that the present application can proceed toward allowance.

Respectfully submitted,



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